



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	Board of Massage and Bodywork
MEETING DATE AND TIME:	Thursday, September 19, 2013 at 1:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor Cannon Building
MINUTES APPROVED: October 17, 2013	

MEMBERS PRESENT

Holly Overmyer, Professional Member, President
Sandra Jachimowski, Professional Member, Vice-President
Sharon Harris, Public Member, Secretary
Kari Ainsworth, Professional Member
Patricia Schumann-Draper, Professional Member
Gordon Gelley, Public Member

MEMBERS ABSENT

Rachel Dunning, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Theresa Newman, Administrative Specialist
Jeff Ford, Investigative Supervisor
Steve Getek, Investigator II
Marc Gray, Investigator II

OTHERS PRESENT

Andrew Lloyd, DE. State Police
Barbara Uniatowski
Erika Winans
Caroline Victor
David Patterson
Xiao Xia Zhao

CALL TO ORDER

Ms. Overmyer called the meeting to order at 1:41 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes from the August 15, 2013 meeting. A motion was made by Mr. Gelley, seconded by Ms. Harris to approve the minutes as presented. The motion unanimously carried.

UNFINISHED BUSINESS

Proposal to Deny Hearing – Caroline Victor

Ms. Kelly called the hearing to order at approximately 2:45 p.m. and stated today's hearing was the result of a proposal to deny the application of Caroline Victor pursuant to 24 Del. C. §5313(9) and to 24 Del. C. §5308(b), having a conviction listed in the Rules and Regulations and not disclosing to having a criminal background on the application for licensure. Ms. Kelly marks exhibit #1 as the application, documents, and correspondence, exhibit #2 as the amended PTD notice, and exhibit #3 as the amended PTD hearing notice. Ms. Kelly confirmed she was ready to move forward with the hearing today although she just received the amended notice at the hearing. Board members were introduced.

Ms. Victor was sworn in. She gave her testimony regarding the charges that were before the board for her proposal to deny hearing. She stated that the charge was incurred for an accidental check that was written for her rent and all fees have been paid. She further elaborated that the fraud charges list on her criminal background check were the result of the same situation.

Board went into deliberations and stated she does not pose as a threat to society with the reasoning given for charges received and the length of time.

A motion was made by Ms. Overmyer, seconded by Mr. Schumann-Draper to approve the temporary certified massage technician license of Caroline Victor. The motion unanimously carried. The hearing went off record.

Proposal to Deny Hearing – Xiaoxia Zhao

Ms. Kelly called the hearing to order at approximately 3:14p.m. and stated today's hearing was the result of a proposal to deny the application of Xiaoxia Zhao pursuant to 24 Del. C. §5313(9) and to 24 Del. C. §5308(b), having a conviction listed in the Rules and Regulations and not disclosing to having a criminal background on the application for licensure. Ms. Kelly marks exhibit #1 as the application, documents, and correspondence, exhibit #2 as the amended PTD notice, and exhibit #3 as the amended PTD hearing notice. Ms. Kelly confirmed she was ready to move forward with the hearing today although she just received the amended notice at the hearing. Board members were introduced.

Ms. Zhen Hui was sworn in to translate the testimony given by Xiaoxia Zhao from Mandarin to English and English to Mandarin. Xiaoxia Zhao stated she was unaware of the charge on her record. Ms. Zhao went into details of the day she was charged, and was under the impression she received a charge for unlicensed practice. She did not receive any jail time, only a fine was given and she paid the monetary fine. Ms. Shao provided a document showing charges, but the charges were listed as codes not the type of charge. Ms. Kelly advised Ms. Zhao to provide a disposition of charges received to show what she plead to and what the penalty was.

Board went into deliberations stating they would like to see a disposition of charges prior to making a decision.

A motion was made by Ms. Jachimowski, seconded by Mr. Gelley to table the certified massage technician license of Xiaoxia Zhao. The motion unanimously carried. The hearing went off record.

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Mr. Gelley, seconded by Ms. Harris, to approve the ratification of the Massage Technician application of Hollie Shubert, Diana Davis, Samantha Bolanos, Bing Li, Victoria Wright, Heather Storch, Stephanie Lynch, Patricia Connor, Myrissa Hamilton, and Meixue Lin. The motion was unanimously carried.

Ratification of License Massage Therapists

A motion was made by Ms. Harris, seconded by Mr. Gelley, to approve the ratification of the Massage Therapist applications of Ashley Staker, David Talmo, Michaela Kelly, Yingshu Zhu, Ashley Stafford, Xiao Dong Wang, Vanessa Callahan, Louise Belmont, Michelle Reynolds, Xiuhui Ju, Muriel Duncan, and Patricia McDonough. The motion unanimously carried.

Complaint Status

20-09-10-Assigned to Hearing Officer
 20-13-10-Office of the Attorney General
 20-14-10-Assigned
 20-16-10-Assigned
 20-02-11-Office of the Attorney General
 20-03-11-Office of the Attorney General
 20-04-11-Assigned to Hearing Officer
 20-05-11-Assigned to Hearing Officer
 20-08-11-Office of the Attorney General
 20-02-12-Office of the Attorney General
 20-03-12-Office of the Attorney General
 20-06-12-Office of the Attorney General
 20-07-12-Office of the Attorney General
 20-08-12-Office of the Attorney General
 20-11-12-Assigned
 20-01-13-Office of the Attorney General
 20-02-13-Office of the Attorney General
 20-03-13-Office of the Attorney General
 20-04-13-Office of the Attorney General
 20-05-13-Office of the Attorney General
 20-06-13-Office of the Attorney General
 20-07-13-Office of the Attorney General
 20-08-13-Office of the Attorney General
 20-09-13-Assigned
 20-10-13-Assigned
 20-11-13-Office of the Attorney General
 20-12-13-Assigned

Review of Applications-Eileen Heeney

A motion was made by Ms. Harris, seconded by Mr. Gelley to approve the Certified Massage Technician Applications of Erika Parlett and Clenika Bailey; crimes listed were not substantially related to the profession of Massage and Bodywork. The motion was unanimously carried.

A motion was made by Ms. Harris, seconded by Mr. Gelley to approve the Temporary Certified Massage Technician Application of Antomya Taylor; crimes listed were not substantially related to the profession of Massage and Bodywork. The motion was unanimously carried.

Presentation Regarding Massage Businesses

Sgt. Andrew Lloyd advised the board of the law enforcement's perspective on human trafficking. They have received several reports, with majority being from New Castle County. They are acting on the complaints as they are coming in, however the complaints are not a priority compared to other law enforcement issues they handle daily. Sgt. Lloyd went over the process and procedure when a complaint is being investigated. The typical criminal penalty is very minimal fine, however it could be more complicated if there are multiple offenses and or the severity of the investigation.

The division's investigators advised the board on their efforts to investigate complaints received to the Division of Professional Regulation. The complaints received internally are investigated for unlicensed

or unprofessional conduct. Depending on the severity of the complaint, a report may be made with the Delaware State Police for further investigations. Mr. Ford briefly gave the board an overview of their investigation process.

Discussion of SB 114 – Chaperone Requirements

Board members reviewed the Senate Bill 114, regarding chaperone requirements. The board will create Rules and Regulations to support the bill. A discussion of the Rules and Regulations will take place at the October meeting.

Client Disclosure Form

Board members reviewed the proposed Client Disclosure form. A motion was made by Mr. Gelley, seconded by Ms. Harris to accept the Client Disclosure Form as presented. The motion was unanimously carried. A copy of this form will be added to the Board's online website under forms.

Review of Audits for 2012 Renewal

Board members reviewed audits submitted. Correspondence letters will go out to those who did not pass the audit.

Review and Deliberations on Hearing Officer Recommendation and Exceptions

The recommendation of Randall Richardson was added to the agenda in error. No discussion.

CORRESPONDENCE

N/A

OTHER BUSINESS

Board members discussed the notification that was sent via email to all licensees with an email address on file. The email served as a notice to advise licensees of legislative changes.

PUBLIC COMMENT

Mr. David Patterson gave kudos to the board for their professionalism and their dedication to the board.

NEXT SCHEDULED MEETING

The next meeting is scheduled for October 17, 2013 at 1:30 p.m.

ADJOURNMENT

There being no further business, a motion was made by Mr. Gelley, seconded by Ms. Harris, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 4:08 p.m.

Respectfully submitted,



Theresa Newman
Administrative Specialist II

